



PATENT/Docket No.: 00860.US1

## DECLARATION (37 CFR §1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **NEW TREATMENT FOR HOT FLASHES**, Docket No. 00860.US1, the specification of which

☐ is attached hereto.

☒ was filed on 8/4/2003 as Application Serial No. 10/633,762.

☐ was filed on as PCT International Application No. and was amended under PCT Article 19 on , if applicable.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56(a).

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

| Application<br>Serial No. | Filing Date<br>(Day/Month/Year) |
|---------------------------|---------------------------------|
|---------------------------|---------------------------------|

|            |           |
|------------|-----------|
| 60/403,549 | 8/14/2002 |
|------------|-----------|

I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

| Application<br>Serial No. | Country | Filing Date<br>(Day/Month/Year) | Priority Claimed<br>(Yes/No) |
|---------------------------|---------|---------------------------------|------------------------------|
|---------------------------|---------|---------------------------------|------------------------------|

PATENT/Docket No.: 00860.US1

I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application  
Serial No.

Filing Date

Status (Patented,  
Pending, Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint

☒ the practitioners associated with Customer Number



25533

PATENT AND TRADEMARK OFFICE

☐ Thomas A. Wootton (Registration No. 35,004); Lucy X. Yang (Registration No. 40,259); Edward F. Rehberg (Registration No. 34,703); John H. Engelmann (Registration No. 28,075); Austin W. Zhang (Registration No. 48,061); Stephen L. Nesbitt (Registration No. 28,981); Mary J. Hosley (Registration No. 48,324); Jonathan P. O'Brien (Registration No. 50,852); and J. Trevor Lumb (Registration No. 28,567); all registered to practice before the Patent and Trademark Office.

as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith and request that all correspondence and telephone communications be directed to the following person at the mailing address and telephone number hereafter given:

Name : Stephen L. Nesbitt, Attorney  
Registration No. : 28,981  
Address : Pharmacia & Upjohn Company  
Global Intellectual Property  
301 Henrietta Street  
Kalamazoo, Michigan 49001  
Telephone No. : (269) 833-1837 or (269) 833-9500  
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PATENT/Docket No.: 00860.US1

Inventor's Signature

Fred Hassan

Date

9/11/03

Full name of sole or first inventor: Fred Hassan

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Citizenship: USA

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PTO/SB/17 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**130.00**

## Complete if Known

|                      |                |
|----------------------|----------------|
| Application Number   | 10/633,762     |
| Filing Date          | August 4, 2003 |
| First Named Inventor | Fred Hassan    |
| Examiner Name        | unknown        |
| Art Unit             | 1614           |
| Attorney Docket No.  | 00860.US1      |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

21-0718

Pharmacia &amp; Upjohn Company

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 750      | 2001         | 375      | Utility filing fee     |          |
| 1002         | 330      | 2002         | 165      | Design filing fee      |          |
| 1003         | 520      | 2003         | 260      | Plant filing fee       |          |
| 1004         | 750      | 2004         | 375      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |
| SUBTOTAL (1) |          |              |          |                        | (\$0.00) |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    |                      | Extra Claims |                                | Fee from below |                                     | Fee Paid                              |
|--------------------|----------------------|--------------|--------------------------------|----------------|-------------------------------------|---------------------------------------|
| Total Claims       | <input type="text"/> | -20** =      | <input type="text" value="0"/> | X              | <input type="text" value="\$0.00"/> | = <input type="text" value="\$0.00"/> |
| Independent Claims | <input type="text"/> | -3** =       | <input type="text" value="0"/> | X              | <input type="text" value="\$0.00"/> | = <input type="text" value="\$0.00"/> |
| Multiple Dependent |                      |              |                                |                | <input type="text" value="0.00"/>   | = <input type="text" value="0.00"/>   |

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |          |
| 1201         | 84       | 2201         | 42       | Independent claims in excess of 3                          |          |
| 1203         | 280      | 2203         | 140      | Multiple dependent claim, if not paid                      |          |
| 1204         | 84       | 2204         | 42       | ** Reissue independent claims over original patent         |          |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |          |
| SUBTOTAL (2) |          |              |          |  | (\$0.00) |

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  |  | Fee Paid |
|----------|----------|----------|----------|--|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |  | \$130.00 |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |  |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |  |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |  |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |  |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |  |          |
| 1252     | 410      | 2252     | 205      | Extension for reply within second month                                    |  |          |
| 1253     | 930      | 2253     | 465      | Extension for reply within third month                                     |  |          |
| 1254     | 1,450    | 2254     | 725      | Extension for reply within fourth month                                    |  |          |
| 1255     | 1,970    | 2255     | 985      | Extension for reply within fifth month                                     |  |          |
| 1401     | 320      | 2401     | 160      | Notice of Appeal   |  |          |
| 1402     | 320      | 2402     | 160      | Filing a brief in support of an appeal                                     |  |          |
| 1403     | 280      | 2403     | 140      | Request for oral hearing   |  |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |  |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |  |          |
| 1453     | 1,300    | 2453     | 650      | Petition to revive - unintentional   |  |          |
| 1501     | 1,300    | 2501     | 650      | Utility issue fee (or reissue)   |  |          |
| 1502     | 470      | 2502     | 235      | Design issue fee   |  |          |
| 1503     | 630      | 2503     | 315      | Plant issue fee  |  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |  |          |
| 1809     | 750      | 2809     | 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |  |          |
| 1810     | 750      | 2810     | 375      | For each additional invention to be examined (37 CFR 1.129(b))             |  |          |
| 1801     | 750      | 2801     | 375      | Request for Continued Examination (RCE)                                    |  |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130.00**

## SUBMITTED BY

|                   |                    |                                   |          |           |                |
|-------------------|--------------------|-----------------------------------|----------|-----------|----------------|
| Name (Print/Type) | Stephen L. Nesbitt | Registration No. (Attorney/Agent) | 28,981   | Telephone | (269) 833-1837 |
| Signature         |                    | Date                              | 12-30-03 |           |                |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.